

REMARKS

The subject application relates to a system developed by the Applicants to facilitate the editing of digital images. Both professional photographers and consumers are increasingly turning to digital cameras instead of film for their photographic needs. The ease in which such digital images can be transferred over the internet opens up new possibilities for remote manipulation of such images. Applicants have commercialized the concepts described in the subject application. The Examiner is invited to view Applicants' consumer oriented website at www.image-edit.com to better appreciate some the concepts discussed herein. Some of the interface features disclosed in the subject patent application are implement in the Applicants' professional website which may be viewed by prior arrangement with the company.

The claims in the subject application can be broadly divided into two concepts related to the Applicants' business. The first concept relates to the mechanisms by which digital images are sent by the consumer to the provider and how the editing workflow is handled. Taking claim 1 as an example, a consumer operating on the image-edit website will select one of her digital images to be edited (e.g. the removal of red-eye from a family photo). The user will then input instructions for modifying the image. The image and the instructions are then sent to the provider. The provider in turn routes the image and instructions to a photo editor who will handle the edits. Because of the unique nature of the internet, the provider and editor can be physically separate from each other and from the consumer. The selected editor then will make the requested changes and send back the corrected image to the provider. The provider alerts the customer that the finished image is available to download.

The second concept relates to the development of a user interface designed specifically to facilitate communication between the consumer and the provider/digital editor. For example, Applicants have developed an interface which allows the user to identify specific actions to be performed to fix a picture and tell the editor where those specific changes are to be made. The interface claims herein relate generally to improved communication between the consumer and the editor.

Taking claim 19 as an example, and considering this claim in conjunction with Figure 1, the user interface can include a region 22 for displaying a rendering of the digital image. In addition, a region 36 is provided so the user can input textual instructions for editing the image. Finally, the interface includes one or more drawing tools (e.g. arrow 32) for indicating to the

editor exactly where on the image the edit instructions are to be performed. All of this information can then be collected and forwarded electronically to the digital editor. The various interface developments described herein are designed to improve communication of instructions and reduce errors.

Turning to the Office Action, the Examiner relied on the patents to Force (6,704,716) and Johnston (5,546,528) to reject all of the pending claims. It is submitted that these two references are quite unrelated to the subject matter claimed herein and therefore it is requested that the rejections be withdrawn.

The patent to Force relates to a variant on the "eBay" type internet bidding system. In an eBay auction, the user lists a product and all bidders compete against each other. The seller simply waits for the highest bid and sells the product to the highest bidder. The Force patent proposes to change that dynamic allowing the seller to enter into a direct negotiation with a selected bidder.

The Force patent is not at all related to an approach for routing digital images to a provider and then to an editor for manipulation. There is no disclosure in Force related to a provider selecting an editor to modify a digital image. There is nothing in Force related to notifying a customer that the finished image is available for viewing.

It is noted that some of Applicants' claims do include the concept of selecting the photo editor through a "bidding" process. However, that additional limitation (for example, in dependent claims 3 to 5) does not mean that Force's special bidding process is at all related to the concept of transferring and editing digital images as defined in claim 1.

The patent to Johnston was apparently cited with respect to Applicants' interface claims. Johnston is related to an improved method of displaying "palettes" to the user. As seen in Figure 3 of Johnson, a program such as Microsoft Excel uses a number of different drawing palettes. If a number of such palettes are simultaneously activated, the underlying work area is substantially obscured. Johnston proposes a solution to this problem by combining the palettes into one box (see Figures 7 and 8) and using tabs (30, 32, 34 and 36) to selectively display the desired palette.

The invention of the Johnston patent relates to improving the way information is displayed to a user. The invention in Johnston is not at all related to communicating information about a digital image from one user to another. For example, Johnston does not disclose an

interface with a first region for displaying a digital image, a second region of inputting textual instructions and a drawing tool for identifying the location in the image where those textual instructions are to be performed.

The other pending independent claims relate to other variations on these themes. For example, claims 29 and 38 relate to a system for exchanging digital images and instructions between a provider and a consumer and also include the concept of generating an estimate for performing the work. Claims 51, 55 and 56 relate in various forms to inputting and then transferring information about an image to another party. Claim 24 relates to another feature in Applicants' interface wherein a first region displays selectable editing requests and a second region allows the user to input textual instructions supplementing the selected editing request. Claim 27 relates to still another feature in Applicants' interface which links selectable editing requests with display pages related to the requests.

It is respectfully submitted that the references relied upon by the Examiner do not teach or render obvious any of the pending independent claims. Accordingly, it is requested that these rejections be withdrawn.

In the Office Action, the Examiner stated that the application did not include an Abstract. In fact, an Abstract was submitted (as evidenced by the PTO return receipt postcard). In any event, Applicants have amended the specification to add the original Abstract. It is also noted that claim 45 has been amended to fix an obvious typographical error.

Favorable action is respectfully requested.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: November 15, 2004

By: 

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Attorneys for Applicant(s)

Enclosure: Copy of Original Return Receipt Postcard



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New Nonprovisional Patent Appln.

Serial/Patent/Reg. No.

S&P File No. POET-400

By: MAS:gks

In the Matter of the Application of: Jeffrey T. Makoff et al.

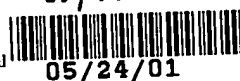
Title/Mark: SYSTEM FOR FACILITATING REMOTE DIGITAL IMAGE MANIPULATION ...

Date Mailed: 5/24/2001

Due Date:

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

<input checked="" type="checkbox"/> Transmittal Letter x2	<input type="checkbox"/> Trademark (Use) Appln., Drawing and _____ Specimens
<input checked="" type="checkbox"/> Patent Application <u>Nonprovisional</u>	<input type="checkbox"/> ITU Trademark Application and Drawing
<u>23</u> pgs. specification including <u>9</u> pgs. claims 1 Abs.	<input type="checkbox"/> Request for Extension to Time (trademark)
<input checked="" type="checkbox"/> Drawings <u>27</u> sheets <input type="checkbox"/> formal <input checked="" type="checkbox"/> informal	<input type="checkbox"/> (Notice of Allowance: _____)
<input checked="" type="checkbox"/> 220 /Declaration (unsigned)	<input type="checkbox"/> Statement of Use/Amendment to Allege Use
<input type="checkbox"/> Assignment w/ Form PTO-1595	<input type="checkbox"/> Section 8 & 15 Declaration
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<input type="checkbox"/> Small Entity Declaration	<input type="checkbox"/> Opposition to _____
<input checked="" type="checkbox"/> Deposit Account Authorization (in duplicate)	<input type="checkbox"/> Petition for Cancellation
<input checked="" type="checkbox"/> Information Disclosure Statement, PTO-1449 w/ <u>1</u> references	<input type="checkbox"/> Certificate of Mailing
<input checked="" type="checkbox"/> Check \$ <u>928.00</u>	<input checked="" type="checkbox"/> Express Mail Certificate No. <u>EL816895431US</u>
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Certificate under §3.73(b)
<input type="checkbox"/> Request for Extension of Time (____ months)(patent)	<input type="checkbox"/> Certificate of Correction (PTO Form 1050)
<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Petition for _____
<input type="checkbox"/> Notice of Appeal	<input checked="" type="checkbox"/> Other: <u>postcard</u>
<input type="checkbox"/> Appeal Brief (in triplicate)	
<input type="checkbox"/> Letter to Official Draftsman	
<input type="checkbox"/> Issue Fee Transmittal	
<input type="checkbox"/> Maintenance Fee Transmittal	
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